

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 19, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.
(Assigned) and S. Stahl, Deputy Clerk.

Each of the following:

B190730	People v. Shaw
B191533	People v. Carr
B192564	People v. Gray
B193121	People v. Lindberg & Ruiz
B193922	People v. Mata
B193976	People v. Martinez
B194026	People v. Roque
B195054	People v. Alarcon
B195621	People v. Sayanath
B195990	People v. Buckner
B196878	People v. Scott
B196301	People v. Luis S.
B197156	DCFS v. Maxine L. & Jay L.
B197352	DCFS v. Warren J.
B197406	People v. McClendon
B197563	Young v. Nakao
B198054	DCFS v. Darryl H.
B198363	DCFS v. Jorge R.

Argument waived, cause submitted.

DIVISION ONE (continued)

B195271 Moghaddam
 v.
 Chakrabarti

Appearances:

Argued by Linda Rose Fessler for appellant and by Robert M. Moss for respondent. Argument waived, cause submitted.

B197391 Los Angeles County, D.C.S.
 v.
 Margaret Z.

Merits:

Linda Sue Rehm for appellant and by Jacklyn K. Louie, Deputy County Counsel, for respondent and by John Cahill for defacto parents. Cause submitted.

B194292 Ribarich
 v.
 Kim

Merits:

Argued by Susan S. Baker for appellant and no appearance for respondent. Cause submitted.

B195046 National Commercial Recovery, Inc.
 v.
 Fresh Pic, Inc.

Merits:

Argued by Sandra J. Smith for appellant and by Glenn A. Besnyl for respondent. Cause submitted.

Jackson, J. (Assigned) leaves the bench.

DIVISION ONE (continued)

B190276 People
 v.
 Picazo

Merits:

Argued by James M. Hodges for appellant and by Richard S. Markowitz, Deputy Attorney General, for respondent. Cause submitted.

B195633 Barrios
 v.
 Moore

Merits:

Argued by Kathryn Albarian for appellant and by John W. Streeter for respondent. Cause submitted.

Jackson, J. (Assigned) returns to the bench.

B196282 In re Garcia on Habeas Corpus

Merits:

Argued by Charles Chung, Deputy Attorney General, for appellant and by Melanie K. Dorian for respondent Garcia. Cause submitted.

B196479 People
 v.
 Casas

Merits:

Argued by Christopher A. Reed for appellant and Jason I. Martinez, Deputy Attorney General, for respondent waived oral argument. Cause submitted.

DIVISION ONE (continued)

B185907 People
 v.
 Chavez

Merits:

Argued by Julie S. Hernandez for appellant and by Robert David Breton, Deputy Attorney General for respondent. The Court requests supplemental briefs from both sides. Submission deferred until December 10, 2008.

Vogel, J. leaves the bench.

B195784 Oviedo
 v.
 Rotondo

Merits:

Argued by Barbara J. Hensleigh for appellant and by Brandon A. Block for respondent. Cause submitted.

B190333 Automated Switching and Controls, Inc.
 v.
 Fireman's Fund Insurance Company et al.

Merits:

Argued by Janet Nalbandyan for respondents / appellants Fireman's Fund Insurance et al. and by Peter J. Glor for appellant / respondent Automated Switching and Controls Inc. Cause submitted.

Vogel, J. returns to bench.

Rothschild, J. leaves the bench.

November 19, 2007 (Continued)

DIVISION ONE (continued)

B196433 Kamen et al.
v.
Schwartz et al.

Merits:

Argued by David Grossman for appellants and by Jordan D. Grotzinger for respondents. Cause submitted.

Rothschild, J., returns to the bench.

Mallano, J., leaves the bench.

B192369 Echeverria et al.
v.
Gossai et al.

Merits:

Argued by Paul J. Derania for appellants and by Stephen A. Shikes for respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B195056 People (Not for Publication)
v.
Ramos

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B198824 Los Angeles County, D.C.S. (Not for Publication)
v.
Rhoda M.

The order of the juvenile court is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B195981 Ray (Not for Publication)
v.
Cingular Wireless, LLC

The order of the trial court is affirmed. Cingular shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B189430 People (Not for Publication)

V.
Harrison et al.

Tovar's conviction is affirmed. Harrison's conviction is affirmed, but her case is remanded for resentencing in order that the trial court may exercise its discretion as to the amount of victim restitution.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B195674 People (Not for Publication)

v.
Troy Eugene Swan

Upon issuance of the remittitur, the following is to occur: count 2 is modified to delete the great bodily injury finding; count 4 is modified to add the great bodily injury finding of three years; as to count 2, the trial court is to either impose the section 667.9. subdivision (a) enhancement or strike it in full compliance with section 1385, subdivision (a) as discussed in the body of this opinion; the trial court is to set aside the section 654, subdivision (a) stay as to count 7 and impose a nine year sentence; the trial court is to select the low, middle, or high term for the robbery charged in count 8 and then order that sentence stayed pursuant to section 654, subdivision (a); the trial court is to impose \$20 court security fees on all county but stay the collection of the fee on count 8. The judgment is affirmed in all other respects. The trial court is to personally insure the abstract of judgment correctly sets forth the sentence and fees imposed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (continued)

B195356 People (Not for Publication)
v.
Christopher Sloat

The judgment of conviction is affirmed. The abstract of judgment is ordered modified to reflect a total of \$60 in court security fees.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B190809 La Ronda Hunter (Not for Publication)
v.
General Motors Corporation

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B196176 Richard Kim (Not for Publication)
v.
The SCPIE Companies

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B191289 Harold Stutz (Not for Publication)
v.
Michael Cloyd

Knapp's default judgment against the Stutzes is reversed to the extent that it fails to award Knapp restitution damages for the sale of his residence and to award him attorney fees. We remand this case to the trial court for an award of restitution damages for the sale of Knapp's residence and attorney fees. The judgment is otherwise affirmed. Appellant is awarded his costs on appeal.

Mosk, J.

We concur: Turner, P.J.
Kriegler, J.

DIVISION SIX

B196027 People (Not for Publication)
v.
McCafferty

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (continued)

B186635 Coln III, (Not for Publication)
v.
Larson et al.,

We affirm the judgment after jury verdict in the civil case and affirm the judgment after bench trial and order granting attorney fees in the probate case. Respondents are to recover costs.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B191750 Piskur (Not for Publication)
v.
Parker Restaurant Group, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B190481 Bi-Rite Meat & Provisions Co.
v.
Redevelopment Agency of the City of Hawaiian Gardens

Filed order modifying opinion and certifying for publication opinion filed 10/24/07 (Change in judgment)

DIVISION EIGHT

B194205 Renato Guimareaes, Jr.,
 v.
 Northrop Grumman Corporation

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B196220 Dome Entertainment Center, Inc.,
 v.
 Kim

B200919 Dome Entertainment Center, Inc.,
 v.
 Kim

Filed order consolidating above captioned appeals.